

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ANDREW CHERRY,

Plaintiff,

v.

PRUDENTIAL INSURANCE  
COMPANY OF AMERICA,

Defendant.

CASE NO. C21-27 MJP

MINUTE ORDER

The following minute order is made by the direction of the court, the Honorable Marsha J. Pechman, United States District Judge:

After a status conference with the Parties in this matter today, (Dkt. No. 23), the Court Orders the following:

The Parties agree that Plaintiff's claim for denial of benefits under 29 U.S.C. § 1132(a)(1)(B) will be decided on the papers and that Plaintiff's claim for breach of fiduciary duty under § 1132(a)(3) will be reserved for trial. The Parties will each serve summary

1 judgment briefs of up to 30 pages on the § 1132(a)(1)(B) claim by September 10, 2021. The  
2 motions will be noted for decision on October 8 and the Parties will serve response briefs by  
3 October 4. See LCR 7(d)(3). The Parties will forego reply briefs. The Court strikes the August  
4 23 deadline for dispositive motions. (See Dkt. No. 22.)

5 The deadline for discovery motions is moved to September 27. The Parties are directed  
6 to attempt to resolve any discovery disputes in accordance with the Federal Rules and the Local  
7 Rules and to file any discovery motions under LCR 37's expedited procedure so that the motion  
8 is noted the day it is filed.

9 The following dates in the Court's scheduling order are unchanged: December 20, 2021  
10 for trial; December 9 for pretrial conference; December 7 for pretrial order, trial briefs, and  
11 proposed findings of fact and conclusions of law; and November 15 for motions in limine. (See  
12 Dkt. No. 22.)

13 The clerk is ordered to provide copies of this order to all counsel.

14 Filed August 18, 2021.

15 Ravi Subramanian  
16 Clerk of Court

17 s/Paula McNabb  
18 Deputy Clerk  
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